

No. 9/6/86-6Lab/3224.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala in respect of the dispute between the workman and the management of (i) Managing Director, Haryana State Minor Irrigation Tubewell Corporation, Chandigarh (ii) The Executive Engineer, M.I.T.C. Thermal Power Project, Panipat.

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,  
AMBALA

Reference No. 57 of 1985

ALI HASAN, WORKMAN AND THE MANAGEMENT OF MANAGING DIRECTOR  
HARYANA STATE MINOR IRRIGATION TUBEWELL CORPORATION, CHANDI-  
GARH (ii) THE EXECUTIVE ENGINEER, M.I.T.C. THERMAL  
POWER PROJECT, PANIPAT

Present :—

Shri Ali Hasan with Shri G. S. Virk.  
Shri Anand Singh for respondent.

#### AWARD

The Hon'ble Governor of Haryana in exercise of powers conferred,—vide clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 has referred dispute between Shri Ali Hasan workman and H.S.M.I.T.C. etc. to this Court. The terms of the reference are as under :—

Whether termination of services of Shri Ali Hasan, workman, is justified and correct if not, to what relief is he entitled ?

Workman alleged that he was in the employment of the respondent-management for the last more than two years. On 2nd February, 1984 a notice was issued to him for terminating his services. It was further alleged that junior to applicant were retained in service while he being senior to many other workers was terminated in violation of section 25 (F) of the Industrial Disputes Act, 1947. He prayed for his reinstatement with continuity in service and with full back wages.

Respondent-management contested the reference and contended that there is no relationship of employer and employee between the parties, so reference is not maintainable. Respondent is a corporate body it has not been sued properly. It was also contended that respondent-management's major function is of Irrigation, so respondent does not fall in the definition of Industry. It was further contended that services of applicant were terminated according to law and keeping in view the seniority of the employees. The reference is bad so it may be dismissed.

On the pleadings of the parties issues were framed.

Issues :—

1. Whether termination order, in question, is just as per reference ? if so, its effect ? OPM
2. Whether reference is not maintainable as alleged ?
3. Whether respondent-management (HSMITC) does not fall within the perview of industry ? if so, its effect ? OPM
5. Relief.

The reference was fixed for management evidence. Parties reached an amicable settlement. Both the parties submitted compromise deed Ex. C-1 and statement of parties recorded, the workman shall be taken in service on 17th March, 1986 with continuity in service according to his seniority. Regarding the back wages, it was agreed upon that workman shall be entitled to leave of the kind due.

According to above compromise I pass award regarding the controversy between the parties accordingly.

Dated the 14th March, 1986.

V. P. CHAUDHARY,  
Presiding Officer,  
Labour Court, Ambala.

Endst. No. 815, dated the 18th March, 1986

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,  
Presiding Officer,  
Labour Court  
Ambala.